

# HOUSE BILL 674

R1, R5

0lr2264

---

By: **Delegate Malone**

Introduced and read first time: February 4, 2010

Assigned to: Environmental Matters

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2010

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **High Occupancy Vehicle (HOV) Lanes – Use by Plug-In Vehicles**

3 FOR the purpose of ~~requiring the State Highway Administration, when designating a~~  
4 ~~portion of a highway as a restricted use High Occupancy Vehicle (HOV) lane, to~~  
5 ~~place traffic control devices indicating that the HOV lane may be used by~~  
6 ~~certain plug-in vehicles~~ authorizing the use of a high occupancy vehicle (HOV)  
7 lane by certain plug-in vehicles under certain circumstances; requiring the  
8 Motor Vehicle Administration, the State Highway Administration, and the  
9 Department of State Police to consult to design a certain permit; authorizing the  
10 operator of a plug-in vehicle that has a certain permit affixed to it in accordance  
11 with certain guidelines to be in an HOV lane; ~~authorizing the Motor Vehicle~~  
12 ~~Administration to charge a certain fee for issuing a certain permit; authorizing~~  
13 ~~the State Highway Administration to limit the number of permits issued under~~  
14 ~~this Act for a certain purpose;~~ requiring the Motor Vehicle Administration and  
15 the State Highway Administration jointly to make a certain report to the  
16 Governor and the General Assembly by on or before a certain date each year;  
17 defining certain terms; providing for the termination of this Act; and generally  
18 relating to the designation of HOV lanes by the State Highway Administration  
19 ~~and~~ the use of HOV lanes by plug-in vehicles.

20 BY repealing and reenacting, without amendments,

21 Article – Transportation

22 Section 11-167, ~~21-201(a)~~, and ~~25-105~~ and 21-201(a)(1)

23 Annotated Code of Maryland

24 (2009 Replacement Volume and 2009 Supplement)

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to  
 2 Article – Transportation  
 3 Section 25–108  
 4 Annotated Code of Maryland  
 5 (2009 Replacement Volume and 2009 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – Transportation**

9 11–167.

10 “Traffic control device” means any sign, signal, marking, or device that:

- 11 (1) Is not inconsistent with the Maryland Vehicle Law; and  
 12 (2) Is placed by authority of an authorized public body or official to  
 13 regulate, warn, or guide traffic.

14 21–201.

15 (a) (1) Subject to the exceptions granted in this title to the driver of an  
 16 emergency vehicle, the driver of any vehicle, unless otherwise directed by a police  
 17 officer, shall obey the instructions of any traffic control device applicable to the vehicle  
 18 and placed in accordance with the Maryland Vehicle Law.

19 ~~(2) The driver of a vehicle approaching an intersection controlled by a~~  
 20 ~~traffic control device may not drive across private property or leave the roadway for~~  
 21 ~~the purpose of avoiding the instructions of a traffic control device.~~

22 ~~25–105.~~

23 ~~(a) On every highway under its jurisdiction, the State Highway~~  
 24 ~~Administration shall place and maintain those traffic control devices that it considers~~  
 25 ~~necessary to carry out the provisions of the Maryland Vehicle Law or to regulate,~~  
 26 ~~warn, or guide traffic. Each of these traffic control devices shall conform to the manual~~  
 27 ~~and specifications of the State Highway Administration.~~

28 ~~(b) A local authority may place or maintain a traffic control device on a~~  
 29 ~~highway under the jurisdiction of the State Highway Administration only with the~~  
 30 ~~permission and under the direction of the State Highway Administration.~~

31 **25–108.**

1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
2 MEANINGS INDICATED.

3 (2) "HOV LANE" MEANS A ~~HIGH OCCUPANCY VEHICLE~~ HIGH  
4 OCCUPANCY VEHICLE LANE, THE USE OF WHICH IS RESTRICTED BY A TRAFFIC  
5 CONTROL DEVICE DURING SPECIFIC TIMES TO VEHICLES CARRYING AT LEAST A  
6 SPECIFIED NUMBER OF OCCUPANTS.

7 (3) "PLUG-IN VEHICLE" MEANS A ~~4-WHEELED~~ MOTOR VEHICLE  
8 THAT:

9 (I) IS MADE BY A MANUFACTURER;

10 (II) IS MANUFACTURED PRIMARILY FOR USE ON PUBLIC  
11 STREETS, ROADS, AND HIGHWAYS;

12 (III) HAS NOT BEEN MODIFIED FROM ORIGINAL  
13 MANUFACTURER SPECIFICATIONS;

14 (IV) IS RATED AT NOT MORE THAN 8,500 POUNDS UNLOADED  
15 GROSS VEHICLE WEIGHT;

16 (V) HAS A MAXIMUM SPEED CAPABILITY OF AT LEAST 65  
17 MILES PER HOUR; AND

18 (VI) IS PROPELLED TO A SIGNIFICANT EXTENT BY AN  
19 ELECTRIC MOTOR THAT DRAWS ELECTRICITY FROM A BATTERY THAT:

20 1. HAS A CAPACITY OF NOT LESS THAN 4 KILOWATT  
21 HOURS FOR 4-WHEELED MOTOR VEHICLES AND NOT LESS THAN 2.5 KILOWATT  
22 HOURS FOR 2-WHEELED OR 3-WHEELED MOTOR VEHICLES; AND

23 2. IS CAPABLE OF BEING RECHARGED FROM AN  
24 EXTERNAL SOURCE OF ELECTRICITY.

25 (B) WHENEVER THE STATE HIGHWAY ADMINISTRATION ~~PLACES A~~  
26 ~~TRAFFIC CONTROL DEVICE ON A HIGHWAY DESIGNATING~~ DESIGNATES A  
27 PORTION OF ~~THE~~ A HIGHWAY AS AN HOV LANE, ~~THE TRAFFIC CONTROL DEVICE~~  
28 ~~SHALL ALSO INDICATE THAT~~ THE HOV LANE MAY BE USED AT ALL TIMES BY  
29 PLUG-IN VEHICLES THAT HAVE OBTAINED A PERMIT FROM THE  
30 ADMINISTRATION UNDER THIS SECTION, REGARDLESS OF THE NUMBER OF  
31 PASSENGERS IN THE VEHICLE.

32 (C) (1) THE ADMINISTRATION, THE STATE HIGHWAY  
33 ADMINISTRATION, AND THE DEPARTMENT OF STATE POLICE SHALL CONSULT

1 TO DESIGN A PERMIT TO DESIGNATE A VEHICLE AS A PLUG-IN VEHICLE  
2 AUTHORIZED TO USE AN HOV LANE.

3 ~~(2) A PLUG-IN VEHICLE THAT HAS A PERMIT AFFIXED TO IT IN~~  
4 ~~ACCORDANCE WITH ADMINISTRATION GUIDELINES MAY BE OPERATED IN AN~~  
5 ~~HOV LANE.~~

6 ~~(3) THE ADMINISTRATION MAY CHARGE A FEE, NOT TO EXCEED~~  
7 ~~\$20, FOR ISSUING A PERMIT UNDER THIS SUBSECTION.~~

8 (3) THE STATE HIGHWAY ADMINISTRATION MAY LIMIT THE  
9 NUMBER OF PERMITS ISSUED TO ENSURE HOV LANE OPERATIONS ARE NOT  
10 DEGRADED TO AN UNACCEPTABLE LEVEL.

11 ~~(D) BY ON OR BEFORE JANUARY 1 OF EACH YEAR, THE~~  
12 ~~ADMINISTRATION AND THE STATE HIGHWAY ADMINISTRATION JOINTLY SHALL~~  
13 ~~REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE~~  
14 ~~STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE EFFECT~~  
15 ~~THAT THE USE OF HOV LANES BY PLUG-IN VEHICLES HAS ON THE OPERATION~~  
16 ~~OF THE HOV LANES OF THE USE OF THE PLUG-IN VEHICLE PERMITS ISSUED~~  
17 UNDER THIS SECTION ON THE OPERATION OF HOV LANES IN THE STATE.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2010. It shall remain effective for a period ~~2~~ 3 years and, at the end of  
20 September 30, ~~2012~~ 2013, with no further action required by the General Assembly,  
21 this Act shall be abrogated and of no further force and effect.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.